

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

(THROUGH VIDEO CONFERENCING)

CRM-M-598-2022

Date of Decision: 25.2.2022

Aman @ Kale

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. S.K.Panwar, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.173 dated 4.5.2021 registered for the offences punishable under Sections 392 IPC (deleted), 395, 397, 120-B of Indian Penal Code (for short, "IPC") and Sections 25/27 of Arms Act at Police Station City Sohna, District Gurugram.

Counsel for the petitioner submitted that the petitioner was not named in the FIR and no incriminating article was recovered from him by the police during the investigation of this case. It is further submitted that the petitioner is in custody for the last more than 7 months and it will take time for conclusion of the trial.

Counsel for the State while opposing the present petition, contended that the petitioner is also facing 3 other criminal cases of similar nature as is clear from his custody certificate. However, counsel for the

State has not disputed the fact that the petitioner is in custody for the last more than 7 months.

I have considered the submissions made by the counsel for the parties.

The case is relating to looting of liquor vend by some unknown persons on the night intervening between 3/4.5.2021. As per the allegations in the FIR, unidentified persons took away 92 cases of liquor, cash worth ₹ 40,000/-, mobile phone Mi 7015428739, OPPO mobile phone having No.99963-84872, DVR and Wi Fi. The petitioner was later on arrested on 12.7.2021 on the basis of disclosure made by co-accused Abbas. As per prosecution, the petitioner got recovered two boxes of liquor, cash worth ₹ 4270/- and one Scorpio bearing No.HR26-BM-4025. Admittedly, the trial is going on and as per custody certificate, the petitioner is in custody for the last more than 7 months in the present case and is on bail in other 3 criminal cases. It will take considerable long time for conclusion of the trial. So, no purpose is going to be served by keeping the petitioner in custody for any longer period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

February 25, 2022

Paritosh Kumar

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No